| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/428,384 | 10/28/1999 | STEPHEN WILLARD DICKSON | 15311-2207 | 4583 |

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| EXAMINER |
|---|
| LY, ANH |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2172 | |

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. ● | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/428,384 | DICKSON, STEPHEN WILLARD |
| | Examiner | Art Unit | |
| | Anh Ly | 2172 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>14 May 2002</u> .

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-37</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All  b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)       4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .  6)☐ Other: .

## DETAILED ACTION

### *Response to Arguments*

1.      Applicant's arguments filed on 05/14/2002 with respect to claims 1-37 have been

considered but are moot in view of the new ground(s) of rejection.

2.      Claims 1-37 are pending in this application.

### *Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.      Claims 1-37 rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 5,742,812 issued to Baylor et al. (hereinafter Baylor).

With respect to claim 1, Baylor discloses a first process that maintains a data file

in computer-readable memory;  and a second process that generates a first message

requesting that said second process be granted by said first process a plurality of

tokens required for said second process to modify at least one characteristic of said file;

said first process generating a second message, in response to said first message, that

grants said tokens to said first process if said tokens are available for grant to said

second process (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-

67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, see

figs: 1,, 2a, 2b, 3 and 4 for server node, client node network file system, set of tokens

and messages).

Baylor does not clearly disclose, "a first process that maintaining a data file in

computer-readable memory and a second process that generates a first message...",

But, however, Baylor teaches server node , client node in the computer nodes

networked together and tokens (see fig. 1, col. 3, lines 32-67 and col. 4, lines 1-20).  5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to employ the teachings of Baylor such as file system, server

nodes, client nodes and set of token in the computer nodes networked so as to have a

computerized data file system in the client/server or distributed file system via network

file system environment.

With respect to claim 2, Baylor discloses said first process is resident at a server

computer node, and said second process is resident at a client computer node (see fig.

1 and fig. 4, col. 1, lines 48-67, col. 2, lines 1-5, col. 3, lines 32-52 and col. 4, lines 42-

62).

With respect to claim 3, Baylor discloses if any of said tokens are unavailable for

grant to said second process as a result of current grant of said tokens to at least one

other process, said first process generates a third message revoking the current grant

of said tokens to said at least one other process (abstract, col. 5, lines 16-46 and lines 66-67 and col. 6, lines 1-67).

With respect to claim 4, Baylor discloses said at least one other process, in response to said third message, generates a fourth message making said tokens available for grant by said first process (abstract, col. 5, lines 16-46 and lines 66-67 and col. 6, lines 1-67).

With respect to claim 5, Baylor discloses said first process resides in a first computer node; said second process resides in a second computer node; said at least one other process resides in at least one other computer node; and said first computer, second computer, and at least one other computer nodes are networked together and are remote from each other (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, see figs: 1,, 2a, 2b, 3 and 4 for server node, client node network file system, set of tokens and messages).

With respect to claim 6, Baylor discloses a first process residing in said node that generates a first message that grants a set of tokens, if the set of tokens is available for grant, to a second process that requested grant of the set of tokens, the set of tokens being required for the second process to be able to modify at least one characteristic of a file stored in computer-readable memory (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, col. 8, lines 38-67 and col. 9, lines 1-58, see figs: 1 and 4, server node, client node network file system, set of tokens and messages).

Baylor does not clearly disclose, "a first process that maintaining a data file in computer-readable memory and a second process that generates a first message...", But, however, Baylor teaches server node , client node in the computer nodes networked together and tokens (see fig. 1, col. 3, lines 32-67 and col. 4, lines 1-20). 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Baylor such as file system, server nodes, client nodes and set of token in the computer nodes networked so as to have a computerized data file system in the client/server or distributed file system via network file system environment.

With respect to claims 7-10, Baylor discloses each of the processes resides in a respective one of computer nodes; one of the processes resides in a server computer node and the other of the processes resides in a client computer node; if at least one token in the set of tokens is unavailable for grant because the at least one token is currently granted to a third process, the first process also generates a second message that revokes current grant of the at least one token to the third process prior to generating the first message the first message is generated by the first process in response to a request for the grant of the set of tokens generated by the second process, the request specifying all tokens required for the second process to be able to modify the at least one characteristic of the file (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, col. 8, lines 38-67 and col. 9, lines 1-58, see figs: 1 and 4, server node, client node network file system, set of tokens and messages).

With respect to claim 11, Baylor discloses a first process residing in said node that generates a request to a second process for grant of a set of tokens required to enable the first process to modify at least one characteristic of a file residing in computer-readable memory (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, col. 8, lines 38-67 and col. 9, lines 1-58, see figs: 1 and 4, server node, client node network file system, set of tokens and messages).

Baylor does not clearly disclose, "a first process that maintaining a data file in computer-readable memory and a second process that generates a first message...", But, however, Baylor teaches server node , client node in the computer nodes networked together and tokens (see fig. 1, col. 3, lines 32-67 and col. 4, lines 1-20). 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Baylor such as file system, server nodes, client nodes and set of token in the computer nodes networked so as to have a computerized data file system in the client/server or distributed file system via network file system environment.

With respect to claims 12-13, Baylor discloses the second process resides in a second computer node, and the memory is comprised in said second node; and the set of tokens comprises all tokens required for the first process to be able to modify the at least one characteristic of the file (col. 3, lines 20-67 and col. 4, lines 1-62, col. 8, lines 38-67 and col. 9, lines 1-58).

With respect to claim 14, Baylor discloses a first computer node having a data file in computer-readable memory; and a second computer node that issues to the first computer node a first message requesting grant of a set of tokens required to carry out a modification of at least one characteristic of said file; the first computer node issuing a second message to the second computer node after receipt of the first message, the second message granting the set of tokens to the first process if the set of tokens is available for grant to the second process (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, see figs: 1,, 2a, 2b, 3 and 4 for server node, client node network file system, set of tokens and messages).

Baylor does not clearly disclose, "a first process that maintaining a data file in computer-readable memory and a second process that generates a first message...", But, however, Baylor teaches server node , client node in the computer nodes networked together and tokens (see fig. 1, col. 3, lines 32-67 and col. 4, lines 1-20). 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Baylor such as file system, server nodes, client nodes and set of token in the computer nodes networked so as to have a computerized data file system in the client/server or distributed file system via network file system environment.

With respect to claim 15, Baylor discloses the first computer node is a server node, and the second computer node is a non-server node (see fig. 1 and fig. 4, col. 1, lines 48-67, col. 2, lines 1-5, col. 3, lines 32-52 and col. 4, lines 42-62).

With respect to claim 16, Baylor discloses the set of tokens comprises all tokens required to carryout the modification of the at least one characteristic of the file (col. 8, lines 38-67 and col. 9, lines 1-58).

With respect to claims 17-18, Baylor discloses if at least one token in the set of tokens is unavailable for the grant because the at least one token is currently granted, the first computer node waits to issue the first message until after the first computer node receives a third message from a third computer node indicating relinquishment of current grant of the at least one token; the at least one token comprises a plurality of tokens (abstract, col. 2, lines 50-64, col. 4, lines 62-67 and col. 5, lines 1-65; col. 8, lines 38-67 and col. 9, lines 1-58).

Claim 19 is essentially the same as claim 1 except that it is directed to a computer-readable memory containing computer-executable program instructions rather than a computerized data file system (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, see figs: 1,, 2a, 2b, 3 and 4 for server node, client node network file system, set of tokens and messages), and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 20 is essentially the same as claim 6 except that it is directed to a computer-readable memory containing computer-executable program instructions rather than a computerized data file system (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16

and lines 30-67, col. 8, lines 38-67 and col. 9, lines 1-58, see figs: 1 and 4), and is

rejected for the same reason as applied to the claim 6 hereinabove.

With respect to claim 21, Baylor discloses first instructions that when executed

generate a request for grant of a set of tokens required to enable modification by an

issuer of the request of at least one characteristic of a file residing in storage memory

(col. 1, lines 48-67 and col. 2, lines 1-5 and col. 3, lines 10-53; col. 4, lines 62-67 and

col. 5, lines 1-65; col. 8, lines 38-67 and col. 9, lines 1-58).

Baylor does not clearly disclose, "at least one characteristic of a file residing in

storage memory." But, however, Baylor teaches a file system storing in the server node

of the networked computer nodes (col. 1, lines 48-67, col. 2, lines 1-5 and col. 3, lines

10-53). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to employ the teachings of Baylor such as file system,

server nodes, client nodes and set of token in the computer nodes networked so as to

have a computerized data file system in the client/server or distributed file system via

network file system environment.

With respect to claims 22-23, Baylor discloses further instructions which when

executed causes, if any of said tokens are unavailable for grant as a result of current

grant of said tokens, generation of a third message revoking the current grant of said

tokens ; and said further instruction, in response to said third message, generate a

fourth message making said tokens available for grant (abstract, col. 5, lines 16-46 and

lines 66-67 and col. 6, lines 1-67).

With respect to claims 24-25, Baylor discloses further instructions which when

executed cause, if at least one token in the set of tokens is unavailable for grant

because the at least one token is currently granted, generation of a second message

that revokes previous grant of the at least one token prior to generating the first

message; and the first message is generated in response to a request for the grant of

the set of tokens generated, the request specifying all tokens required to be able to

modify the at least one characteristic of the file (col. 4, lines 1-67, col. 5, lines 1-67, col.

6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, col. 8, lines 38-67 and col. 9,

lines 1-58).

With respect to claim 26, Baylor discloses the set of tokens comprises all tokens

required to be able to modify the at least one characteristic of the file (col. 1, lines 48-

67, col. 2, lines 1-5 and col. 3, lines 10-53).

With respect to claim 27, Baylor discloses means for maintaining a data file in

computer-readable memory; and means for generating a first message requesting grant

of a plurality of tokens required to modify at least on characteristic of said file; means for

generating a second message, in response to said first message, that grants said

tokens if said tokens are available for grant (col. 1, lines 49-67, col. 2, lines 1-62, col. 3,

lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines

1-16 and lines 30-67, see figs: 1,, 2a, 2b, 3 and 4 for server node, client node network

file system, set of tokens and messages).

Baylor does not clearly disclose, "a first process that maintaining a data file in

computer-readable memory and a second process that generates a first message...",

But, however, Baylor teaches server node , client node in the computer nodes

networked together and tokens (see fig. 1, col. 3, lines 32-67 and col. 4, lines 1-20). 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to employ the teachings of Baylor such as file system, server

nodes, client nodes and set of token in the computer nodes networked so as to have a

computerized data file system in the client/server or distributed file system via network

file system environment.

With respect to claims 28-29, Baylor discloses means for generating, if any of

said tokens are unavailable for grant as a result of current grant of said tokens, a third

message revoking the current grant of said tokens; and means for generating, in

response to said third message, a fourth message making said tokens available for

grant (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-67, col. 5,

lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67).

Claim 30 is essentially the same as claim 1 except that it is directed to a method

rather than a computerized data file system (col. 1, lines 49-67, col. 2, lines 1-62, col. 3,

lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines

1-16 and lines 30-67, see figs: 1,, 2a, 2b, 3 and 4 for server node, client node network

file system, set of tokens and messages), and is rejected for the same reason as

applied to the claim 1 hereinabove.

Claim 31 is essentially the same as claim 3 except that it is directed to a method

rather than a computerized data file system (abstract, col. 5, lines 16-46 and lines 66-67

and col. 6, lines 1-67), and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 32 is essentially the same as claim 4 except that it is directed to a method rather than a computerized data file system (abstract, col. 5, lines 16-46 and lines 66-67 and col. 6, lines 1-67), and is rejected for the same reason as applied to the claim 4 hereinabove.

Claim 33 is essentially the same as claim 6 except that it is directed to a method rather than a computerized data file system (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, col. 8, lines 38-67 and col. 9, lines 1-58, see figs: 1 and 4, server node, client node network file system, set of tokens and messages), and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 34 is essentially the same as claim 9 except that it is directed to a method rather than a computerized data file system (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, col. 8, lines 38-67 and col. 9, lines 1-58, see figs: 1 and 4, server node, client node network file system, set of tokens and messages), and is rejected for the same reason as applied to the claim 9 hereinabove.

Claim 35 is essentially the same as claim 10 except that it is directed to a method rather than a computerized data file system (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, col. 8, lines 38-67 and col. 9, lines 1-58, see figs: 1 and 4, server

node, client node network file system, set of tokens and messages), and is rejected for the same reason as applied to the claim 10 hereinabove.

Claim 36 is essentially the same as claim 11 except that it is directed to a method rather than a computerized data file system (col. 1, lines 49-67, col. 2, lines 1-62, col. 3, lines 10-65, col. 4, lines 3-67, col. 5, lines 1-67, col. 6, lines 1-9 and 46-60, col. 7, lines 1-16 and lines 30-67, col. 8, lines 38-67 and col. 9, lines 1-58, see figs: 1 and 4, server node, client node network file system, set of tokens and messages), and is rejected for the same reason as applied to the claim 11 hereinabove.

Claim 37 is essentially the same as claim 13 except that it is directed to a method rather than a computerized data file system (col. 3, lines 20-67 and col. 4, lines 1-62, col. 8, lines 38-67 and col. 9, lines 1-58), and is rejected for the same reason as applied to the claim 13 hereinabove.

## Contact Information

5.    Any inquiry concerning this communication should be directed to Anh Ly whose telephone number is (703) 306-4527. The examiner can be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner are unsuccessful, see the examiner's supervisor, Kim Vu, can be reached on (703) 305-4393.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 746-7238 (after Final Communication)

or:

(703) 746-7239 (for formal communications intended for entry)

or:

(703) 746-7240 (for informal or draft communications, or Customer Service

Center, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Fourth Floor (receptionist).

Inquiries of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is (703) 305-3900.

AL

JEAN M. CORRIELUS
PRIMARY EXAMINER

Jul. 17th, 2002.